

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1720 OF 2006.

Shri Vijay Ramchandra Gaikwad
and another.

... Petitioners.

V/s.

Smt. Vijaya Meghasham Gaidhani
and others.

... Respondents.

S.S.Kulkarni for the petitioners.

CORAM: V.C.DAGA, J.

DATED: 16th March 2006.

P.C.:

. Heard learned counsel for the petitioners.

. No case is made out to interfere with the
impugned order.

. However, it is made clear that in view of

the law laid down by this Court in the case of
Shah Babulal Khimji v. Jayaben D. Kenia, AIR
1981 SC 1786 (para-107, 109), it would be open for
the petitioners to challenge the impugned order
if, ultimately, they suffer adverse order and are
required to challenge the same before higher
forum. In that event, this order of dismissal
shall not come in their way. All rival

contentions are kept open.

. With this clarification, petition is
dismissed with no order as to costs.

(V.C.DAGA, J.)